

JOHN T. GORMAN
Federal Public Defender
First Hawaiian Bank Building
400 Route 8, Suite 501
Mongmong, Guam 96910
Telephone: (671) 472-7111
Facsimile: (671) 472-7120

Attorney for Defendant
MARIO GARCIA

FILED
DISTRICT COURT OF GUAM

FEB 15 2007 *mbe*

MARY L.M. MORAN
CLERK OF COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)	CR 06-00053
)	
Plaintiff,)	DEFENDANT'S PROPOSED VOIR DIRE
)	QUESTIONS
vs.)	
)	
MARIO GARCIA,)	
)	
Defendant.)	
_____)	

1. In what village do you now live?
2. How long have you lived on Guam? (If less than a year, please ask the juror where they lived prior to moving to Guam.)
3. Are you employed?
4. By whom are you employed?
5. How long have you been employed?
6. What is your job title?
7. Are you employed in a supervisory capacity?
8. [If the juror is retired] What was your job before you retired and how long have

ORIGINAL

you been retired?

9. Are you married?
10. Does your spouse work?
11. Do you have children?
12. What are the ages of your oldest and youngest children?
13. Have you ever been a juror in either a civil or criminal case? If so:
 - a. How long ago?
 - b. Was it a civil or criminal case?
 - c. Did the case result in a verdict?
 - d. Was there anything unpleasant about your experience on that jury that you

feel will make it difficult for you to sit on this jury?

14. Have you ever been a witness in a criminal case? If so:
 - a. When?
 - b. What type of case?
 - d. Were you a witness for the government or the defense?
 - e. Was there anything about your experiences as a witness which you think

would make it difficult for you to be a fair juror in this case?

15. Have any of you ever been a victim of a crime? If so:
 - a. When?
 - b. What type of crime?
 - c. Did you receive the type of treatment from the police that you expected?
 - d. Do you know whether the other person was ever caught and punished?

e. Did you have any contact with the defense attorney in that case? If so, did the defense attorney treat you fairly?

f. From your experience as the victim of a crime, do you feel that the criminal justice system in America works?

g. Is there anything about that experience which would make it difficult for you to serve as a fair juror in this trial?

16. You will hear testimony in this case from agents from the U.S. Naval Security Forces. Do you have any relatives or close friends who work for this agency? If so:

a. What is that person's relationship to you?

b. Where do they work?

c. What do they do?

d. Have you ever discussed with that person, their job duties?

e. Have you ever discussed or heard that person talk about their work?

f. Do you feel that because of your friendship/relationship with that person, you might find it more difficult to return a not guilty verdict in this case?

17. This is a criminal case, which means that you cannot convict Mr. Garcia for the charge in the indictment, unless all twelve of you are satisfied beyond a reasonable doubt, that Mr. Garcia is guilty. Do each of you understand that it is the Government which completely carries the burden of proof?

18. Do each of you understand that you must consider Mr. Garcia innocent, unless and until the Government satisfies you of his guilt, beyond a reasonable doubt?

19. Do each of you understand that Mr. Garcia does not have to testify if he does not

choose to?

20. Do each of you understand that if Mr. Garcia does not testify, you are not allowed to hold that against him?

21. Can each of you promise that you will not hold it against Mr. Garcia if he does not testify?

22. Can each of you promise me that if the Government does not meet its burden of proof, that you will do your duty and find Mr. Garcia not guilty?

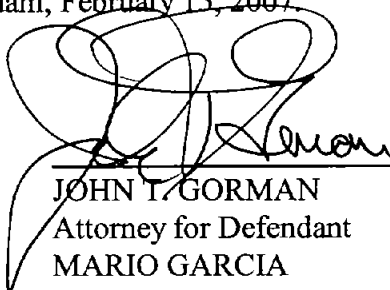
23. Are there any of you who would be reluctant to find Mr. Garcia not guilty if the Government fails to meet its burden of proof?

24. The estimated length of this case is 2 days. Will the length of trial cause you any inconvenience?

25. Is there anything about the nature of the charges which would make it difficult for you to sit as an impartial juror?

26. You understand that a defendant in a criminal case is presumed to be innocent, do you not?

DATED: Mongmong, Guam, February 15, 2007.



JOHN T. GORMAN
Attorney for Defendant
MARIO GARCIA


CERTIFICATE OF SERVICE

I, RENATE A. DOEHL, hereby certify that a true and exact copy of the foregoing document was duly mailed and/or hand-delivered to the following on February 15, 2007:

RYAN M. ANDERSON
Assistant United States Attorney
Sirena Plaza
108 Hernan Cortez, Ste. 500
Hagatna, Guam 96910

Attorney for Plaintiff
UNITED STATES OF AMERICA

DATED: Mongmong, Guam, February 15, 2007.

A handwritten signature in black ink, appearing to read 'R. Doehl', is written over a horizontal line.

RENATE A. DOEHL
Operations Administrator

JOHN T. GORMAN
Attorney for Defendant
MARIO GARCIA